

Applicant respectfully submits that one of ordinary skill in the art would know the difference between a hard contact lens and a soft contact lens. It is respectfully submitted that claims 28 and 29 are definite, even though for example the Shore A hardness of the lens material is not mentioned.

Applicant notes the objection to the specification. However, applicant believes that polyfilcon is not a trademark. The undersigned was unable to find any evidence that polyfilcon is a trademark.

Claims 27-29 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beck in view of applicant's disclosure. Applicant respectfully traverses this rejection.

Just because applicant disclosed in his patent application as filed that light-activated power sources are commercially available does not mean that it would be obvious to make the apparatus as claimed in Claim 27. There is no suggestion anywhere (other than in the present patent application) that one should use a light-activated power source to provide electricity to a device for performing electrophoresis. Applicant respectfully submits that the Examiner's rejection is based on impermissible hindsight reconstruction.

Applicant notes with appreciation that Claim 30 is allowable. Claim 30 has been rewritten in independent form. New Claims 34-36 are similar to Claims 28, 29, and 31 as filed, but are dependent upon Claim 30.

Applicant respectfully submits that the application is in condition for allowance. A Notice of Allowance is hereby respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Applicant respectfully petitions the Commissioner for a one month extension of time. **Our check No. 8089 in the amount of \$55.00 is enclosed.** However, if this amount is insufficient, please charge any additional required fees to Deposit Account No. 50-0694.

Please charge any additional fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this 28th day of October, 2002.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DAVID NEWSOME

DATE: October 28, 2002

SERIAL NO.: 09/634,054

GROUP ART UNIT: 3763

FILED: 08/08/2000

EXAMINER: Michael J. Hayes

FOR: "DILATION ENHANCER"

ATTORNEY DOCKET NO.: P00005US (53783.1P)

Copy of Amendments Showing Changes

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The application has been amended in the foregoing amendment to read as follows (added matter is underlined and omitted matter is in brackets):

IN THE CLAIMS:

Please cancel Claims 1-8, 10, 21-26, and 32 without prejudice.

Please amend the claims to read as follows (added matter is underlined and omitted matter is in brackets):

- 27. An apparatus for performing electrophoresis on a patient's eye comprising:
- a) a composite contact lens structure that comprises an outer shell having a concave surface and a convex surface;
 - b) a disposable lens member that removably fits the shell at the concavity; and
 - c) the convex portion of the shell carrying an electrode for transmitting electrical current to the shell and lens member;
- a light-activated power source for providing electricity to the electrode.
28. The apparatus of claim 27 wherein the lens member is soft.
29. The apparatus of claim 28 wherein the lens member is made of polyfilcon.

30. (amended) [The apparatus of claim 27] An apparatus for performing electrophoresis on a patient's eye comprising:

a) a composite contact lens structure that comprises an outer shell having a concave surface and a convex surface;

b) a disposable lens member that removably fits the shell at the concavity; and

c) the convex portion of the shell carrying an electrode for transmitting electrical current to the shell and lens member;

a light-activated power source for providing electricity to the electrode,

wherein the light-activated power source is on or in the shell.

31. (amended) The apparatus of claim 27, wherein the lens member is pre-medicated with a dilator drug or dilator reversal drug.--

Please add the following claims:

-- 34. (New) The apparatus of claim 30 wherein the lens member is soft.

35. (New) The apparatus of claim 30 wherein the lens member is made of polyfilcon.

36. (New) The apparatus of claim 30, wherein the lens member is pre-medicated with a dilator drug or dilator reversal drug.--